

1982 WL 189334 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1982

*1 Honorable Cody Owens
Mayor
Town of Whitmire
Post Office Box 366
Whitmire, South Carolina 29178

Dear Mayor Owens:

You have requested the opinion of this Office as to whether a Member of the South Carolina Senate may hold the position of municipal attorney.

We are of the opinion that the position of municipal attorney is an office, as is reflected in our previous opinions cited at the foot of this letter.

However, a State Senator, although occupying an office as a Member of the General Assembly, is subject to the constitutional provision that the General Assembly alone judges the qualifications of its Members, and the courts will not exercise powers in this respect. The case of [Culbertson v. Blatt](#), 194 S.C. 105, 9 S.E.2d 218, is authority for this conclusion. Therefore, even if the City Attorney's job should be considered an office, this would not affect the status of the Senator in his capacity as a Member of the General Assembly.

This conclusion was expressed also to the appropriate individuals in responding to Mr. Campbell's question about his dual officeholding capacity in Richland County. That question was somewhat different, but the same conclusions were reached with respect to his status as a Member of the House of Representatives while holding another office.

Very truly yours,

Helen T. Zeigler
Staff Attorney

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